IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 11496 of 2004

Between:
Kethireddy Sivakumar Reddy, S/o Dasaradha Rami Reddy,
R/o Brundavanam, Kavali Town, Nellore District.
..... PETITIONER

AND
1 The Government of Andhra Pradesh, rep. by its Commissioner & Director of Marketing, A.P. Hyderabad.
2 The Executive Engineer, (Marketing) Agrl. Marketing Committee, Guntur, Guntur District.
3 The Chairman Cum Personnel Incharge, Agrl. Market Committee, Kavali, Nellore District.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue, a writ order or direction more particularly one in the nature of writ of mandamus Declare the inaction on the part of the respondents in finalising the bill and releasing the cheque in respect of the work done by the petitioner at the 3rd stage for a sum of Rs.6,12,775/- pursuant to agreement No. 198/2002-2003 dt. 31-1-2003 amounts to erroneous, arbitrary and contrary to law and violation of Art. 14, 19 and 21 of the Constitution of India and consequently direct the respondents to finalise the bill and release the cheque for the work done by the petitioner at the IIIrd stage for a sum of Rs. 6,12,775/- with interest @ 12% forthwith

For the Petitioner: MR.T.C.KRISHNAN, Advocate

For the Respondent No.1: GP FOR AGRICULTURE

For the Respondents 2&3: Mr. P. Venkateswarlu, Standing Counsel.

The Court made the following ORDER:

This writ petition is filed by the petitioner aggrieved by the inaction of the respondents in finalizing the bill and releasing a sum of Rs.6,12,775/-, with reference to the 3rd phase, which is payable to him in pursuance of the agreement dated 31.01.2003.

2. According to the petitioner, certain work was entrusted to him with reference to the construction of R.C.C Rural Godown No.3 with 1000 MT capacity under "Gramin Bhandaran Yojaya Scheme Market Yard" at Kavali. It is stated that the petitioner has executed the entire work, which is stated to be in three phases. With reference to phases 1and 2, the amount due to him was already paid, but with reference to the third phase, the respondents have not paid the same after finalizing the bills. Therefore, the petitioner has made a representation to the respondents and finally issued a legal notice also. In spite of it, the respondents did not finalise the bills and paid the amount due to the petitioner. Therefore, the petitioner has come up with the present writ petition.

3. Heard learned counsel for the petitioner and learned Government Pleader for Agriculture.

4. The grievance of the petitioner is that with reference to the work executed by him the respondents though have effected payment with reference to phases 1 and 2, have not effected payment with reference to phase 3. The petitioner has also made a representation, but there is no response. Hence, the present writ petition.

5. According to the petitioner, he has already completed the work of execution of the above godown, therefore, the writ petition is disposed of directing the respondents to finalise the bill and effect the payment basing on the finalisation, if any amount is due and payable to the petitioner with reference to the work entrusted to him under agreement

No.198/2002-2003, dated 31.01.2003, within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition is accordingly disposed of with the above directions.

07.07.2004
Note: Furnish CC in 3 days
B/o
va

To

1 The Government of Andhra Pradesh, rep. by its Commissioner & Director of Marketing, A.P. Hyderabad.
2 The Executive Engineer, (Marketing) Agrl. Marketing Committee, Guntur, Guntur District.
3 The Chairman Cum Personnel Incharge, Agrl. Market Committee, Kavali, Nellore District.
4 Two CCs to G.P. for Agriculture, High Court of A.P. Buildings, Hyderabad (OUT)
5 Two CD Copies.